

REMARKS

Upon entry of the instant amendment, claims 1 and 4-19 will remain pending in the present application.

In the instant amendment, claims 2-3 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 14-15 and 18-19 have been amended.

The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed. For example, use of the hydrophobic size in an amount of 0.5 to 3.0 kg/t of the dry fiber substrate, added to claims 1, 14 and 15, is based on the original claim 4. The weight ratio of hydrophobic size to the aluminum compound of 1:0.5 to 1:5, added to claims 1, 14 and 15, is based on the original claim 3. A package containing a product or a product package, added to claims 1, 14, 15, 18 and 19, finds support from page 5, line 17 through page 6, line 27 of the specification.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Issues Under 35 U.S.C. § 102(e)

At page 3 of the Office Action, claims 1-10 and 12-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rohlf et al. (U.S. 6,489,040) (hereinafter Rohlf '040).

Applicants respectfully traverse and request that the Examiner withdraw the rejection based on the following explanation.

Distinctions over Rohlf '040

The present inventors have developed improved autoclave packages exhibiting increased heat resistance, which is manifested as reduced raw-edge water penetration to the fibre substrate at autoclave conditions of 100 to 250 °C (elevated temperature) and under pressure. This is accomplished by treating the substrate with a combination of a hydrophobic size, an aluminium compound and a wet-strength size, as defined in the present claims.

Rohlf '040 describes a gypsum wall board covered with sheets of paper, which may contain a neutral size (ASA or AKD), a wet strength polyamide resin and alum (see e.g. column 3, lines 53-63, and column 6, lines 10-20 of the reference).

However, Rohlf '040 fails to disclose or suggest that wall boards are used for making a product package. The reference does not give any consideration to a packaging. In short, Rohlf '040 fails to disclose or suggest closed product packages that can withstand autoclaving, which is typically performed in elevated temperatures and pressures. Rohlf '040 merely teaches use of the paper sheets to encase a wall board, but fails to disclose or suggest a product package in general or an autoclave package in particular.

Therefore, Rohlf '040 not only fails to disclose or suggest features of the present invention but also is irrelevant art to the claimed invention. Thus, the present invention is not anticipated by Rohlf '040.

Reconsideration and withdrawal of this rejection are thus respectfully requested.

Issues Under 35 U.S.C. § 103(a)

At pages 4-6 of the Office Action, claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Akao et al. (U.S. 5,492,741) (hereinafter Akao '741) in view of Penttinen et al. (U.S. 2003/0059591) (hereinafter Penttinen '591) and further in view of Rohlf '040.

Applicants respectfully traverse and request that the Examiner withdraw the rejection based on the following explanation.

The Examiner acknowledges that Akao '741 in view of Penttinen '591 fails to teach or suggest that the package is treated with a sizing composition as presently claimed, and relies on the teachings of Rohlf '040 to overcome this deficiency (see page 5, lines 13-14 of the Office Action).

However, as explained above, Rohlf '040 is irrelevant art to the present invention. Thus, there is no reasonable expectation or rationale for one skilled in the art to arrive at the present invention based on the combination of the cited references. Therefore, the present invention is not obvious over the combination of the cited references.

Reconsideration and withdrawal of this rejection are respectfully requested.

It is submitted that the amended claims are also patentable over the references cited in the IDS filed on October 8, 2008 (initialed by the Examiner on October 30, 2008).

Conclusion

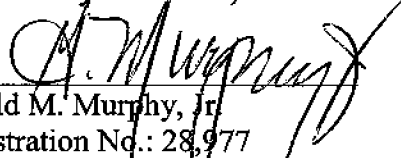
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. In the event the application is not in condition for allowance, it is submitted that the second Office Action should not be a Final Rejection because the wrong set of claims was originally examined.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno (No. L0053) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: February 17, 2009

Respectfully submitted,

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